



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 29475012

Receipt #: 1906354
Pages Recorded: 8
Cashier Initials: VFL

Recording Fee: \$36.00
Authorized By 

Date Recorded: 9/8/2014 1:17:03 PM



Grantor KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT

Grantee MAGELLAN MIDSTREAM PARTNERS LP

Type of Document HAZARDOUS SUBSTANCES CERT

Recording Fees \$36.00

Mtg Reg Tax \$0.00

Total Amount \$36.00

Return Address ATTN ELYN POTTER

LEGGETTE BRASHEARS & GRAHAM INC

405 E 19TH AVE STE A2

NORTH KANSAS CITY MO 64116

00002-17011A

Bureau of Environmental Remediation
Kansas State Office Building
1000 SW Jackson St. Suite 410
Topeka, KS 66612-1367



Phone: 785.296.1673
Fax: 785.296.7030
mmorgan@kdheks.gov
www.kdheks.gov

Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

April 18, 2014

CERTIFIED LETTER -- RETURN RECEIPT REQUESTED

Ms. Lorraine K. Woxell
Magellan Midstream Partners, LP
One Williams Center, MD 29
Tulsa, OK 74172

RE: NO FURTHER ACTION DETERMINATION FOR THE CHASE GASOLINE SPILL, 69th & WEBB PROPERTY

Name of Voluntary Party: Magellan Midstream Partners, LP
Legal Description of Property: Portions of NE1/4, Sec. 8, T26S, R2E and NW1/4, Sec. 9, T26S, R2E and SW1/4, Sec. 4, T26S, R2E and SE1/4, Sec. 5, T26S, R2E
Property Location: Intersection of 69th Street & Webb Road, Wichita, Sedgwick County, KS

Voluntary Agreement No. 04VCP0042

Dear Ms. Woxell:

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of April 18, 2014, for the subject property. Based on the information presented in the documents, petroleum hydrocarbon contamination in soil and groundwater was identified at the subject property. The attached summary identifies the nature and status of the contamination detected.

KDHE's evaluation of the available documents for the subject property indicates that petroleum hydrocarbon contamination impacting the subject property is present at levels that do not exceed the KDHE approved risk-based cleanup levels. KDHE has determined that contamination at the subject property does not pose a significant risk to human health or the environment. Therefore, pursuant to Kansas Statutes Annotated 65-34,161, *et seq.*, KDHE declares that No Further Action is necessary at the subject property. This No Further Action determination is issued to Magellan Midstream Partners, LP and extends to its successors and assigns of the subject property. This determination is conditioned upon Magellan Midstream Partners, LP recording in the office of the Register of Deeds in and for Sedgwick County, KDHE's determination summary describing any contamination that may be remaining at the subject property, the enclosed legal map showing property boundaries, and this letter containing KDHE's No Further Action determination.

An affidavit (form enclosed) indicating that the enclosures have been attached to the property deed must be returned to KDHE prior to termination of the Voluntary Agreement.

KDHE's No Further Action determination applies only to the subject property as identified on the attached map and is based exclusively on information provided to KDHE through April 18, 2014. This determination pertains only to the identified conditions on the subject property and does not account for activities that may be conducted at the subject property which could cause future releases of contaminants.

If you have any questions concerning KDHE's determination for No Further Action, please contact project manager Bryan Bain at 785-296-5548 or legal counsel, Kate Gleeson at 785-296-1607.

Sincerely,

Robert Moser

Robert Moser, MD
KDHE Secretary

RM/bb

Attachments: KDHE No Further Action Determination Summary
Legal map showing property boundaries
Affidavit form

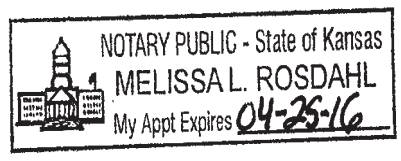
c: Deana Ross > Bryan Bain > file (C2-087-03029, 2.0)
Kate Gleeson, KDHE Legal Office
Allison Herring, SCDO

State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on June 18, 2014

by Robert Moser as Secretary

of the Kansas Department of Health and Environment.



Melissa L. Rosdahl
Notary Public

My appointment expires: 04-25-16

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ENVIRONMENTAL REMEDIATION
1000 SW Jackson, Suite 410, Topeka, KS 66612
Phone: (785) 296-1673 Fax: (785) 296-7030

VOLUNTARY CLEANUP AND PROPERTY REDEVELOPMENT PROGRAM

NO FURTHER ACTION DETERMINATION SUMMARY

SUMMARY DATE: April 11, 2014

PROPERTY NAME: Chase Gasoline Spill, 69th & Webb, Wichita
Intersection of 69th Street & Webb Road, Wichita, Sedgwick County, KS
Portions of NE1/4, Sec. 8, T26S, R2E and NW1/4, Sec. 9, T26S, R2E and
SW1/4, Sec. 4, T26S, R2E and SE1/4, Sec. 5, T26S, R2E

PREPARED BY: Project Manager: Bryn Bann Date: 4-11-14

REVIEWED BY: Unit Chief: Deanna Ross Date: 4-16-14

Section Chief: Lee B Hemming Date: 4-16-14

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Gasoline Range Organics (TPH-GRO) - OA-1 Method (no CAS #)
Benzene (CAS # 71-43-2)

Groundwater: Gasoline Range Organics (TPH-GRO) - OA-1 Method (no CAS #)
Benzene (CAS # 71-43-2), Toluene (CAS # 108-88-3)
Ethylbenzene (CAS # 100-41-4), Xylene (CAS # 1330-20-7)

CONTAMINANTS EVALUATED AT PROPERTY:

Soil: Gasoline Range Organics (TPH-GRO) - OA-1 Method
Diesel Range Organics (TPH-DRO) - OA-2 Method
Volatile Organic Compounds (VOC) - EPA Method 8020

Groundwater: Gasoline Range Organics (TPH-GRO) - OA-1 Method
Diesel Range Organics (TPH-DRO) - OA-2 Method
Volatile Organic Compounds (VOC) - EPA Method 8020/8260
Total Alkalinity - EPA Method 310.1
Chloride, Nitrate, and Sulfate - EPA Method 300.0
Sulfide - EPA Method 376.1

NO FURTHER ACTION DETERMINATION SUMMARY

Chase Gasoline Spill, 69th & Webb, Wichita

April 11, 2014

Page 2 of 3

The Chase Gasoline Spill, 69th & Webb, Wichita property is located at the intersection of 69th Street and Webb Road, Wichita, Sedgwick County, Kansas. The site encompasses over 13 acres located within a pipeline right-of-way and on adjacent agricultural properties. Some of the product pipelines have been in place for several decades.

According to the Corrective Action Study document dated December 7, 1998, the following historic information was obtained. In June 1994, a release of refined gasoline occurred from a 10-inch product pipeline at the southwest corner of 69th Street and Webb Road (north of Wichita). Corrosion caused the failure of the pipeline owned by the Chase Pipeline Company and operated by the Chase Transportation Division. An estimated amount of 75,000 gallons of gasoline was released. Vacuum trucks were used to collect excess product from the impacted roadway drainage ditches. Emergency spill response included excavation of impacted soil, replacement of the corroded section of pipeline, and moving a rural water line away from the impacted areas.

During the initial spill response, soil samples were collected to characterize the immediate extent of contamination and to guide excavation efforts. If the soil contained greater than 100 milligrams per kilograms of total petroleum hydrocarbon gasoline range organics (TPH-GRO), then impacted soil was removed and landfarmed nearby. Groundwater samples were collected from boreholes beneath the release area and ditches. The data indicated groundwater was impacted.

In June 1994, groundwater was collected from three domestic wells in the relative vicinity of the site. Water samples were also collected from the rural water system. Analytical results from the domestic wells and the rural water system indicated no petroleum hydrocarbon detections. In August 1994, four monitoring wells were installed.

On May 22, 1995, Chase Pipeline Company entered into an agreement with the Kansas Department of Health and Environment's State Cooperative Program (Consent Order 95-E-0027) to conduct a Comprehensive Investigation and Corrective Action Study on the area impacted by the catastrophic pipeline failure. A monitoring program was developed and implemented. A Corrective Action Decision (CAD) was signed in 2001 after the required public notice was published.

On November 29, 2001, Equiva Services, LLC and KDHE entered into a Voluntary Agreement (#01VCP0042) to address petroleum impacts. The site was concurrently transferred from the State Cooperative Program to the Voluntary Cleanup and Property Redevelopment Program (VCPRP). A mutual decision was made to implement the chosen remedial alternative from the previously approved CAD. The remedial options originally set forth in the CAD included monitored natural attenuation (MNA) and placing institutional controls on the property.

The pipeline was later acquired by Magellan Midstream Partners, L.P. (Magellan). The original Voluntary Agreement with Equiva Services, LLC was terminated and on December 29, 2004, a new Voluntary Agreement (#04VCP0042) was executed between Magellan and KDHE.

NO FURTHER ACTION DETERMINATION SUMMARY

Chase Gasoline Spill, 69th & Webb, Wichita

April 11, 2014

Page 3 of 3

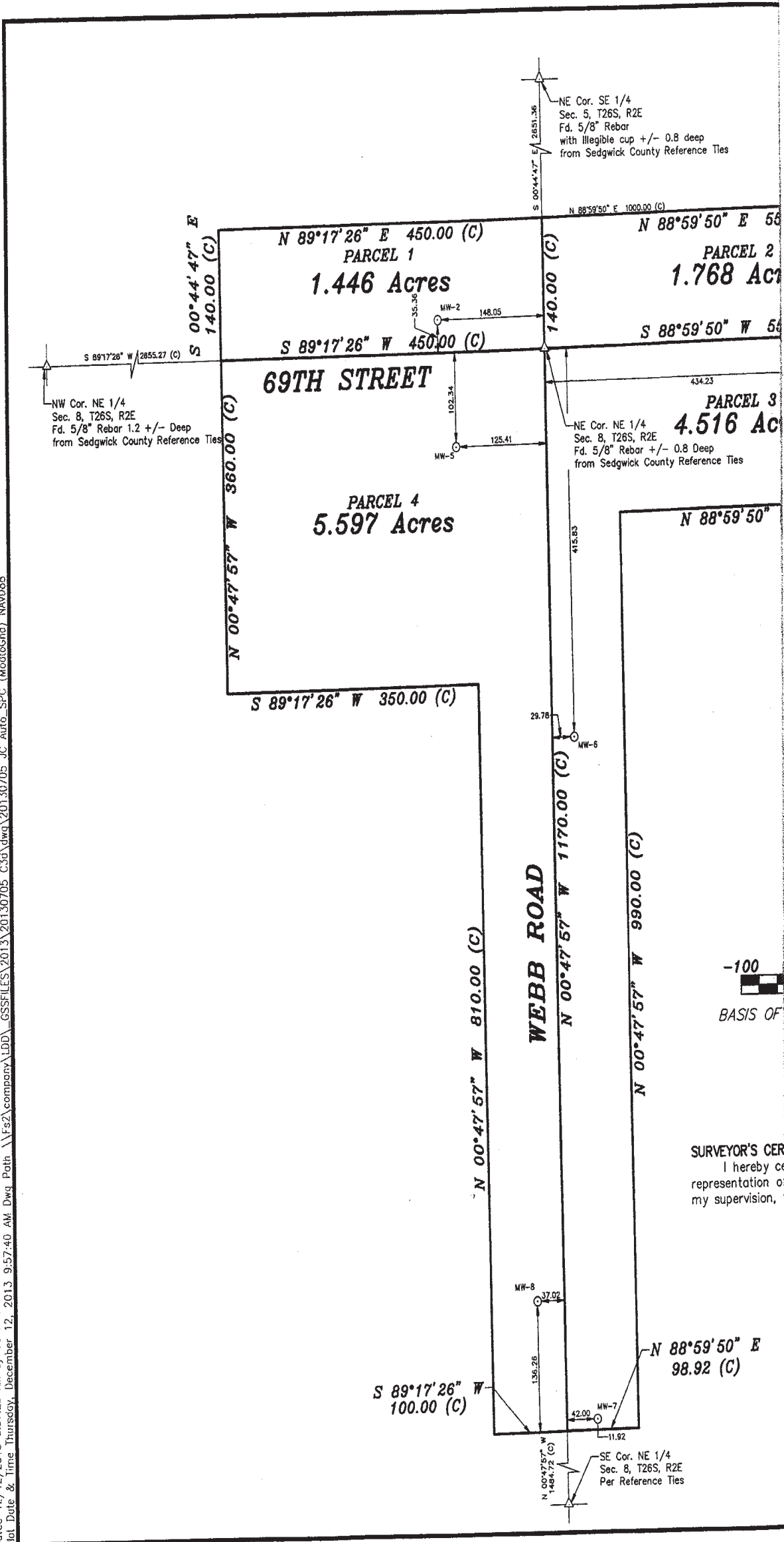
Groundwater monitoring was conducted at the site for several years. MNA parameters such as dissolved oxygen, total alkalinity, chloride, nitrate, sulfate, sulfite, etc. were also collected in addition to petroleum hydrocarbon parameters. Contamination gradually decreased until only one monitoring well (MW-8) remained impacted.

In March 2007, KDHE approved a work plan for an interim remedial measure to address low levels of benzene contamination in MW-8. The short-term remedy consisted of operating a portable soil vapor extraction/air sparging (SVE/AS) unit at MW-8 where benzene persisted at levels just above cleanup standards. Prior to implementation, Magellan concluded that SVE/AS would not be effective. Instead, in situ Submerged Oxygen Curtain (iSOC®) technology or a limited excavation was suggested. But after additional consideration, these ideas were also discarded by Magellan. Ultimately, it was decided to place an Environmental Use Control (EUC) on the subject property to address residual groundwater impacts. However, this option failed due to landowner concerns. Monitoring continued in its place as the contamination appeared to be naturally attenuating.

The recalcitrant MW-8 was redeveloped prior to sampling in the summer of 2009. For two more years, routine sampling detected benzene at levels that were periodically above cleanup standards in MW-8. During the period of March 2011 to March 2013, semi-annual monitoring data indicated no detections of petroleum hydrocarbons. Groundwater was determined as meeting cleanup criteria.

In November 2013, all of the remaining monitoring wells relating to the Chase Gasoline Spill, 69th & Webb, Wichita site were properly plugged and abandoned.

KDHE has determined that any residual petroleum hydrocarbon soil impacts at the subject property are insignificant and that all requirements for the Voluntary Cleanup and Property Redevelopment Program have been met. Thus, a "No Further Action" determination based upon insignificant contamination is recommended for the subject property.



PARCEL 1:

Beginning at the Southeast corner of the Southeast Quarter of Section 5, Township 26 South, Range 2 East of the 6th Principal Meridian; thence with a bearing based on Kansas State Plane Grid (South Zone) South 89°17'26" West along the South line of said Southeast Quarter 450.00 feet; thence North 00°44'47" West parallel with the East line of said Southeast Quarter 140.00 feet; thence North 89°17'26" East parallel with the South line of said Southeast Quarter 450.00 feet to the East line of said Southeast Quarter; thence South 00°44'47" East along the East line of said Southeast Quarter 140.00 feet to the point of beginning containing **1.446 Acres** subject to any easements of record.

PARCEL 2:

PARCEL 2:
A portion of the Southwest Quarter of Section 4, Township 26
South, Range 2 East of the 6th Principal Meridian in Sedgwick County,
Kansas, more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 4, Township 26 South, Range 2 East of the 6th Principal Meridian; thence with a bearing based on Kansas State Plane Grid (South Zone) North 00°44'47" West along the West line of said Southwest Quarter 140.00 feet; thence North 88°59'50" East parallel with the South line of said Southwest Quarter 550.00 feet; thence South 00°44'47" East parallel with the West line of said Southwest Quarter 140.00 feet to the South line of said Southwest Quarter; thence South 88°59'50" West along the South line of said Southwest Quarter 550.00 feet to the point of beginning containing **1.768 Acres** subject to any easements of record.

PARCEL 3:

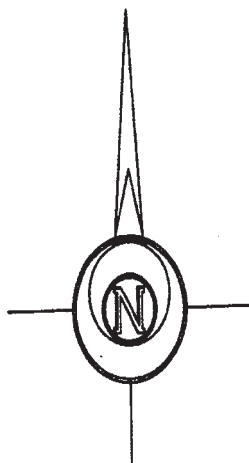
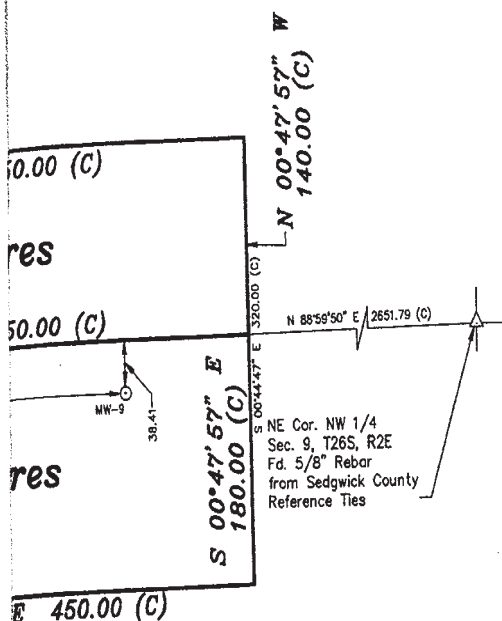
PARCEL 3:
A portion of the Northwest Quarter of Section 9, Township 26 South,
Range 2 East of the 6th Principal Meridian in Sedgwick County, Kansas,
more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of Section 9, Township 26 South, Range 2 East of the 6th Principal Meridian; thence with a bearing based on Kansas State Plane Grid (South Zone) North 88°59'50" East along the North line of said Northwest Quarter 550.00 feet; thence South 00°44'47" East parallel with the West line of said Northwest Quarter 180.00 feet; thence South 88°59'50" West parallel with the North line of said Northwest Quarter 450.00 feet; thence South 00°47'57" East parallel with the West line of said Northwest Quarter 990.00 feet; thence South 88°59'50" West parallel with the North line of said Northwest Quarter 100.00 feet to the West line of said Northwest Quarter; thence North 00°47'57" West along the West line of said Northwest Quarter 1,170.00 feet to the point of beginning containing **4.516 Acres** subject to any easements of record.

PARCEL 4:

PARCEL 4:
A portion of the Northeast Quarter of Section 8, Township 26 South,
Range 2 East of the 6th Principal Meridian in Sedgwick County, Kansas,
more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 8, Township 26 South, Range 2 East of the 6th Principal Meridian; thence with a bearing based on Kansas State Plane Grid (South Zone) South 00°47'57" East along the East line of said Northeast Quarter 1,170.00 feet; thence South 89°17'26" West parallel with the North line of said Northeast Quarter 100.00 feet; thence North 00°47'57" West parallel with the East line of said Northeast Quarter 810.00 feet; thence South 88°17'26" West parallel with the North line of said Northeast Quarter 350.00 feet; thence North 00°47'57" West parallel with the East line of said Northeast Quarter 360.00 feet to the North line of said Northeast Quarter; thence North 89°17'26" East along the North line of said Northeast Quarter 450.00 feet to the point of beginning containing **5.597 Acres** subject to any easements of record.



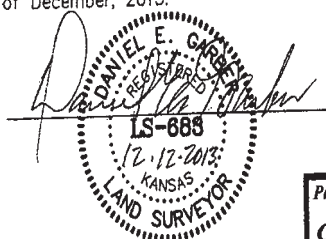
BEARING = KANSAS STATE PLANE GRID

LEGEND

- Δ - Sectional Monument Found
 ○ - Monitor Well
 (c) - Calculated

CERTIFICATE:

certify this plat to be a true, correct and complete
of the property described hereon, as surveyed under
this 12th day of December, 2013.



Prepared For: CONESTOGA ROVERS & ASSOC.		Description: SECTIONS 5,8,9 , T26S, R2E SEDGWICK COUNTY, KANSAS	
Prepared By:  Garber Surveying Service, P.A. HUTCHINSON (Main Office) 2908 North Plum St. 67502 Ph. 620-665-7032 Fax 620-663-7401 McPHERSON (Branch Office) 115 East Marlin 67460 Ph. 620-241-4441 Fax 620-241-4458 NEWTON (Branch Office) 511 North Poplar St. 67114 Ph. 316-283-5053 Fax 316-283-5073			
Drawn By: CSS	Scale: 1"=100'	Date of Field Work: November 11th, 2013	Job No: G2013-705
Checked By: DEG	Date: 12/12/2013	Sheet 1 of 1 Sheet(s)	